

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Select Financial, LLC,

Plaintiff,

v.

C/A No. 7:05-2647-GRA

Penland Financial Services, Inc.; Charles Penland; Penco, Inc.;

Defendants.

ORDER
(Written Opinion)

This matter is before the Court on Defendant Charles Penland's Motion to Dismiss Party, Motion to Dismiss Petition, and Motion for Extension of Time. The first two motions are substantially the same and reiterate Defendant's position that he cannot be held personally liable in this lawsuit because he acted only in his capacity as an officer for the defendant corporations. The Court ruled on this matter on March 30, 2007 and denied Defendant's Motion to Dismiss as untimely. The circumstances are the same today. Discovery was delayed until the Court could appoint a guardian *ad litem* to look after the interests of the Defendant. Therefore, discovery is ongoing in this case, and the Court anticipates a modified scheduling order from the parties soon.

On August 9, 2006, the Court granted former counsel's Motion to Be Relieved as Counsel for Defendant in this case. The Court allowed Defendant thirty days to obtain new counsel. Now Defendant requests more time to hire counsel. Defendant is free to retain counsel at any time if he so chooses. However, he proceeds without

representation at his own peril.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss Party is DENIED, Plaintiff's Motion to Dismiss Petition is DENIED, and Plaintiff's Motion for Extension of Time is GRANTED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

June 27, 2007

Anderson, South Carolina